

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 5:030. Purchasing licenses and permits ~~[obtaining replacement licenses]~~.

RELATES TO: KRS 150.090, 150.170, 150.175, 150.195, 150.235, 150.990

STATUTORY AUTHORITY: KRS 150.170, 150.175, 150.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195(1) authorizes the department to promulgate administrative regulations pertaining to the issuance of licenses and permits. KRS 150.175 authorizes the department to require proof of residency and age or disability for those eligible to purchase a senior~~[A]~~ or disabled ~~[combination]~~ sportsman's license. This administrative regulation specifies the information required to purchase a [POS] license or permit, ~~[the information required on the license]~~ the method of purchasing a license or permit, ~~[how replacement]~~ reprinting or refunding licenses or permits ~~[may be obtained]~~, and how to obtain a disability authorization ~~[card]~~.

Section 1. Purchasing Licenses or Permits.~~[Information Required to Purchase a POS License.]~~ (1) Licenses or permits can be obtained:

At license agent locations

Other department sponsored/approved sites or events; or

By accessing the department's online or mobile purchase portals.

(d) By Phone. Phone sales customers will be issued an authorization number and must comply with Section 2 of this regulation.

(2) A person buying a [POS] license or permit shall furnish the license agent the following applicant information:

~~(a)[(1)] The license applicant's d~~ Date of birth; ~~[and]~~

~~(b)[(2)] One of the following~~ ~~[An]~~ identification numbers~~;~~ ~~which shall be:~~

~~(a) The license applicant's:~~

1. Social Security number; ~~[or]~~

2. Fish and Wildlife Identification number; or

3. An agency approved state or federal identification number.

(c) Address, including city, state, and zip code;

(d) Email and/or phone number;

(e) If purchasing a senior license, proof of age; and

(f) If purchasing a disability license, an unexpired disability authorization issued by the department to the license applicant.

~~(b) If buying a senior/disabled license:~~

~~1. If age sixty-five (65) or over, proof of age and Kentucky residency; or~~

~~2. If under age sixty-five (65), an unexpired disability authorization card issued by the department and proof of Kentucky residency.]~~

Section 2. ~~[Providing Information on Licenses]~~ Proof of License or Permit. (1) Before performing an act authorized by the license or permit, the ~~[license]~~ holder shall:

(a) ~~[Sign the POS license]~~ Keep proof of license or permit purchase, whether printed, electronic, or department issued authorization number in possession at all times while performing any act authorized by the license or permit; ~~[and]~~

~~(b) Provide the following information, legibly in ink or indelible pencil, in the blanks provided on the POS license:~~

1. Address, including city, state and zip code;
2. ~~Eye color;~~
3. ~~Hair color;~~
4. ~~Sex;~~
5. Height; and
6. ~~Weight.~~]

(2) A license or permit not completed as specified in this section shall not be valid.

(3) A senior~~[/disabled combination]~~ sportsman's license shall not be valid unless accompanied by:

(a) Proof of age and Kentucky residency, if the license recipient is age sixty-five (65) or over.~~[/; or]~~

(4) A disability sportsman's license shall not be valid unless accompanied by proof of Kentucky residency.

~~(b) An unexpired disability authorization card issued to the license recipient, if the license recipient is under age sixty-five (65) and proof of Kentucky residency.]~~

(5) The authorization number shall serve in lieu of the paper or electronic license or permit. A person using an authorization number as proof of license or permit, while performing an act authorized by the license or permit, shall carry upon their person and present upon request to a law enforcement officer:

(a) The authorization number; and

(b) If sixteen (16) years of age or older, identification with a picture and date of birth.

(6) A person using an authorization number in lieu of a deer, elk, or turkey permit shall:

(a) Before hunting, write their name, address and applicable authorization number on a card;

(b) Immediately after taking an animal, write the date the animal was taken, the species and the sex of the animal on the card;

(c) Complete any check-in procedure required for that species, write the telecheck authorization number on the card; and

(d) If the carcass is out of the hunter's possession, the hunter shall attach another card to the carcass containing the hunter's name, address, authorization number, date the animal was taken, species, and telecheck authorization number, if already obtained.

Section 3. [Replacement of Lost or Destroyed Licenses] Reprint or Refunding of Licenses or Permits. (1) A person whose license or permit is lost or destroyed may:

(a) [Request a replacement license from the department] Reprint the license or permit using the reprint option available in the customer's profile on the department's Web site or mobile application; or

(b) [Purchase a replacement license and request a refund from the department] Ensure an electronic version is available as outlined in Section 2.

(2) A person may request ~~[requesting]~~ a refund or ~~[replacement]~~ license or permit ~~[or refund shall provide the department with]~~ by:

(a) His name and complete mailing address;

(b) The identification number used to purchase the original license; and

(c) One (1) of the following:

1. A replacement fee of five (5) dollars; or

2. The license number of the license he bought to replace the lost or destroyed license.

(3) If the department can verify the purchase of the original license, it shall:

(a) Void the original license; and

(b) Issue a:

1. Replacement license; or
2. Refund check for the amount of the license, less a five (5) dollar replacement fee.
- (4) A person shall not use, or present to a conservation officer or other peace officer, a license voided by the issuance of a replacement.
- (5) The department shall not refund a license replacement fee.

~~Section 4. Duplicate License Refunds. (1) A person may obtain a refund for a duplicate license or permit by:]~~

~~(a) Requesting a refund from the license agent who completed the transaction if the request is made within four (4) hours of the license or permit issuance; or~~

~~(b) For duplicate licenses or permits, by furnishing the department with the license or permit holder's:~~

- ~~1. Identification number used to purchase;~~
- ~~2. Date of birth;~~
- ~~3. Last name;~~
- ~~4. Mailing address to send the refund;~~
- ~~5. License, permit, or authorization number of the original license or permit; and~~
- ~~6. Reason for refund request.~~

~~(3) Upon receipt of the refund request, and subsequent verification of the original purchase, the department shall issue a refund check for the license or permit purchased. [A person may obtain refunds for a duplicate POS license:~~

- ~~(1) From the license agent who completed the transaction, if:~~
 - ~~(a) The request is made on the same day the license was issued; and~~
 - ~~(b) The original license is surrendered to the license agent; or~~
- ~~(2) By furnishing the department with:~~
 - ~~(a) The duplicate license;~~
 - ~~(b) The name and mailing address of the person requesting the refund;~~
 - ~~(c) The license number of the original license; and~~
 - ~~(d) An explanation of the reason for the refund request.~~

~~(3) Upon receipt of the refund request and duplicate license, and subsequent verification of the original purchase, the department shall issue a refund check for the amount of the license less a fee of five (5) dollars.]~~

Section 5. Buying Licenses or permits for Another. A person purchasing a [POS] license or permit for another person shall provide the[license agent with the] information about the person for whom the license is being purchased as required in Section 1 of this administrative regulation. A person other than a parent or guardian may not purchase a junior hunting license for another person.

Section 6. Obtaining a Disability Authorization[~~Card~~]. (1) To verify that the applicant[~~he~~] qualifies for a [senior/]disabled combination sportsman's license because of a disability as specified in KRS 150.175, a person shall provide the department proof of Kentucky residency and one (1) of the following:

(a) A department approved form or electronic verification from the applicant's [~~TPQY long form from his~~] local federal Social Security office certifying [~~that he~~]the applicant is receiving disability benefits from Social Security;

(b) A copy of his disability rating showing at least a fifty (50) percent military service-connected disability;

(c) A letter of verification from the United States Railroad Retirement Board certifying that

the applicant has been declared totally and permanently disabled;

(d) A letter, on that state board's letterhead, certifying that the applicant has been declared totally and permanently disabled by another state's workers' compensation board;

(e) A letter of verification from the Kentucky Teachers' Retirement System certifying that the applicant has been declared totally and permanently disabled from teaching; or

(f) A letter of verification from the U.S. Office of Personnel Management certifying that the applicant has been declared totally and permanently disabled.

(2) A person declared totally and permanently disabled by the Kentucky State Workers' Compensation Board shall:

(a) Obtain a Disability Workers Compensation Exemption form from the department; and

(b) Complete the form and mail it to the address given on the form.

(3) Upon receipt of the verification required by subsection (1) of this section or upon receipt of verification from the state Worker's Compensation Board, the department shall issue an authorization ~~[card]~~ certifying the person is eligible to purchase a ~~[senior]~~ disabled ~~[combination]~~ sportsman's license.

Section 7. (1) Duration of Disability Exemption. Certification by the Social Security Administration, Kentucky Teachers' Retirement System, or a state worker's compensation board shall remain valid for three (3) years after issue of the disability authorization~~[-card]~~.

(2) Certification by the United States Railroad Retirement Board, U.S. Office of Personnel Management, or certification of at least fifty (50) percent military service-connected disability shall remain valid until the license holder turns sixty-five (65) years of age or no longer requires the disability exemption.[]

~~Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) "Disability Authorization Card", March 2001; and~~

~~(b) "Disability Authorization Card Instructions", March 2001.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, Division of Fiscal Control, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

RICH STORM, Commissioner

MIKE E. BERRY, Secretary

APPROVED BY AGENCY: July 15, 2021

FILED WITH LRC: August 5, 2021 at 9:22 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27 at 11:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through October 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: This regulation establishes the procedures for purchasing licenses and obtaining replacement licenses.

(b) The necessity of the administrative regulation: This regulation is necessary to inform the public and license vendors as to the documentation and information needed for the purchase of licenses and how to obtain replacements.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.195 requires the department to provide for the issuance and distribution of licenses and permits by administrative regulation. This regulation establishes the procedures for the issuance and distribution of licenses and permits.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the procedures for the issuance of licenses and permits to individuals desiring to purchase such licenses and permits.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: The amendment improves the readability by correcting grammatical issues.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to improve the readability of the existing regulation.

(c) How does the amendment conform to the authorizing statutes: The amendment does not make any substantive changes to the existing regulation.

(d) How the amendment will assist in the effective administration of the statutes: It will help to avoid confusion when individuals read the regulation.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: All individuals purchasing applicable licenses and permits as well as vendors of those licenses.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be necessary to comply with the amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no added costs to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefit for all entities identified in question 3 is improved readability and easier understanding of the regulation language.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no added costs to implement the amendment initially.

(b) On a continuing basis: There will be no added costs to implement the amendment on a continuing basis.

(6) What is the source of funding to be used for implementation and enforcement of this

administrative regulation: The Fish and Game Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. No increase in fees will be necessary to implement the change in this amendment.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. This amendment does not create or alter any fees.

(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will be treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources and any governmental divisions that apply to be license vendors.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.170, 150.175, 150.195

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The amendment will not have any impact upon the expenditures or revenues of any state or local governmental agency.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendment will not have any impact upon the expenditures or revenues of any state or local governmental agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendment will not have any impact upon the expenditures or revenues of any state or local governmental agency.

(c) How much will it cost to administer this program for the first year? The amendment will not have any impact upon the costs to administer the program for the first year.

(d) How much will it cost to administer this program for subsequent years? The amendment will not have any impact upon the costs to administer the program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: